

REMARKS

The following is a response to the Office Communication mailed June 18, 2003. Cancellation of the previously submitted new claims is made without prejudice. The following is a response to the Office Action mailed December 12, 2002.

Claims 80-90 are pending in this application. Claims 61-79 have been canceled without prejudice and claims 1-60 were previously canceled. Claims 80-90 are new.

Canceled claims 64 and 72-79 were rejected as being indefinite. Claims 61, 63-66 and 72-75 were rejected as being anticipated by Marcus. Claims 61-66, 72-75 and 78 were rejected as being anticipated by Cain. Claims 66-71 were rejected as being obvious over Cain. Claims 67-71, 76 and 77 were rejected as being obvious over Marcus in view of Negus.

The canceled claims were also provisionally rejected over 09/614,991, 09/698,639, 09/699,150, 10/008,997, and 10/006,064. Applicant will consider cancellation of conflicting claims or a terminal disclaimer should the provisional rejection become an actual rejection.

Discussion

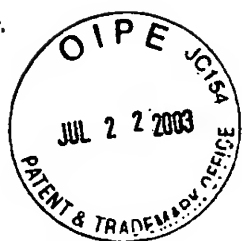
New independent claim 80 is allowable over Marcus, Cain and Negus ("cited references") since the cited references do not disclose or suggest the recited combination of an ablating device having a plurality of ablating elements emitting focused ultrasound and a control system which controls the ablating device in the claimed manner. Specifically, the cited references do not disclose or suggest the claimed focused ultrasound nor do the cited references claim the manner in which the control system activates the ablating elements. As such, Applicants submit that new independent claim 80 is allowable over the cited references.

Applicant : SLIWA et al.
Serial No. : 10/006,088
Filed : December 5, 2001
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Attorney's Docket No.: 003-007-C5

Dependent claims 81-90 are allowable since they depend from allowable independent claim 80 and because they recite independently patentable features.



PATENT PROPERTY STATUS REPORT EPICOR, INC.

FILE NO.	INVENTOR(S)	TITLE	APPLICATION NO.	FILING DATE
002 (086)	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	08/943,683	10/03/97
002-C1 (086-C1)	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	09/606,742	06/28/00
002-C2	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	09/954,393	09/12/01
002-C3	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/171,411	6/12/02
002-C4	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/171,390	6/12/02
002-C5	Cox, Boyd, Gifford, Vaska, Merrick	METHODS OF EPICARDIAL ABLATION FOR CREATING A LESION AROUND THE PULMONARY VEINS	10/172,732	6/14/02
003-CP (101-CP)	Vaska, Merrick, Shah, deClercq	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/157,824	09/21/98
004	Vaska, Pless, Gallup, Ulstad, Anderson, Richman, Merrick, Shah, deClercq	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/356,476	07/19/99
004-C1	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,339	11/15/99
004-C2	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,830	11/15/99
004-C3	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,823	11/15/99
004-C4	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	09/440,825	11/15/99
004-C5	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	10/171,389	06/12/02
004-C6	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE (cont. of 004-C3)	10/232,963	08/30/02
004-C7	Vaska, Pless, Gallup, Ulstad, Anderson, Richman	APPARATUS & METHOD FOR DIAGNOSIS AND THERAPY OF ELECTROPHYSIOLOGICAL DISEASE	10/232,964	08/30/02
005	Anderson, Podmore,	APPARATUS & METHOD FOR ABLATING	09/507,336	02/18/00

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	Richman, Vaska, Gallup, Crowe, Ulstad, Pless	TISSUE		
006	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/614,991	07/12/00
006-C1	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/698,357	10/27/00
006-C2	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/699,150	10/27/00
006-C3	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/698,639	10/27/00
006-C4	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS & METHOD FOR ABLATING TISSUE	09/699,215	10/27/00
007	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	09/884,435	06/19/01
007-C1	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/008,904	12/05/01
007-C2	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/010,409	12/05/01
007-C3	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/006,064	12/05/01
007-C4	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/008,997	12/05/01
007-C5	Sliwa, Vaska, Podmore, Richman, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/006,088	12/05/01
008 (NEMC)	Wang, Rastegar	A CARDIAC ABLATION SYSTEM AND METHOD FOR TREATMENT OF CARDIAC ARRHYTHMIAS AND TRANSMYOCARDIAL REVASCULARIZATION	09/082,047	05/20/98
008-C1 (NEMC)	Wang, Rastegar	A CARDIAC ABLATION SYSTEM AND METHOD FOR TREATMENT OF CARDIAC ARRHYTHMIAS AND TRANSMYOCARDIAL REVASCULARIZATION		12/13/02
009A	Cox, Boyd, Gifford, Vaska, Merrick	APPARATUS AND METHOD FOR ABLATING TISSUE	10/032,303	12/21/01
009B	Pless, Anderson, Podmore, Vaska, Crowe, Richman, Ciciarelli, Gallup, Ulstad	APPARATUS AND METHOD FOR ABLATING TISSUE	10/029,889	12/21/01
009C	Wang, Rastegar	APPARATUS AND METHOD FOR ABLATING	10/032,302	12/21/01

010	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	TISSUE METHODS AND DEVICES FOR ABLATION	10/077,470	02/15/02
010-C1	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/238,821	09/10/02
010-C2	Sliwa, Vaska, Podmore, Anderson, Champsaur, Crowe	METHODS AND DEVICES FOR ABLATION	10/238,937	09/10/02
011	Vaska, Crowe, Miller, Podmore, Champsaur, Hoffmann, Tansey	METHODS AND DEVICES FOR ABLATION	10/255,134	09/24/02